

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1543**

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**Introduced by Assembly Member Leno**

February 23, 2007

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An act to add Chapter 9 (commencing with Section 1967) to Division 2.5 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1543, as amended, Leno. Treasure Island Transportation Management.

Existing law authorizes the City and County of San Francisco to designate the Treasure Island Development Authority as a redevelopment agency under the Community Redevelopment Law for the purpose of converting and redeveloping certain property that formerly constituted the Naval Station Treasure Island.

This bill would enact the Treasure Island Transportation Management Act, and would authorize the board of supervisors of the City and County of San Francisco to designate ~~or create~~ a board or agency to act as the transportation management agency for Treasure Island, defined to also include Yerba Buena Island. The bill would authorize the transportation management agency, pursuant to the terms of a resolution adopted by the board of supervisors, to impose on Treasure Island *automobile* congestion pricing fees, on-street and off-street parking fees, and a transit pass fee structure. The bill would ~~require the agency to adopt an expenditure plan for the net revenues from the fees, which would be spent on various transportation purposes. The bill would~~ specify the powers and duties of the agency on these and other related matters, *including the development and implementation of a*

*transportation program and the collection and use of revenues generated from those fees.*

Existing law provides that a local agency may not impose a new tax, permit fee, or other charge for the privilege of using its streets and roads on or after June 1, 1989, except a permit fee for extra legal loads.

This bill would provide that this prohibition does not apply to the congestion pricing fee authorized by this bill.

*The bill would make findings and declarations of the Legislature that the adoption and implementation of the transportation program for Treasure Island is a matter of statewide concern because of its benefit to a public trust, and that therefore any local ordinance, charter provision, or local law does not apply to the transportation program.*

The bill would make findings and declarations of the Legislature that because of the unique circumstances applicable to Treasure Island, a general statute cannot be made applicable and that therefore enactment of a special statute is necessary.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 9 (commencing with Section 1967) is added to Division 2.5 of the Streets and Highways Code, to read:

CHAPTER 9. TREASURE ISLAND TRANSPORTATION  
MANAGEMENT

1967. This act shall be known and may be cited as the Treasure Island Transportation Management Act.

1967.1. The Legislature finds and declares that the purpose of this act is to accomplish all of the following:

(a) To facilitate the implementation of an innovative, sustainable transportation plan for the development of Treasure Island that will encourage public transit, bicycle, pedestrian, and water-borne modes of transportation, and minimize the impact of Treasure Island development on the traffic on the San Francisco-Oakland Bay Bridge.

(b) To develop a comprehensive set of transportation demand management programs to encourage and facilitate transit use and

1 to minimize the impacts of private automobile use on Treasure  
2 Island.

3 (c) To create a flexible institutional structure that can set parking  
4 and congestion pricing rates, monitor the performance of the  
5 system, collect revenues, and direct generated revenues to public  
6 transit systems serving Treasure Island.

7 (d) ~~To establish~~ *promote multimodal access to, from, and within*  
8 *Treasure Island by a wide range of local, regional, and statewide*  
9 *visitors by providing a reliable source of funding for transportation*  
10 *services and programs serving Treasure Island.*

11 1967.2. For purposes of this chapter, the following terms have  
12 the following meanings:

13 (a) *“Authority” means the Treasure Island Development*  
14 *Authority, a nonprofit public benefit corporation established by*  
15 *the board of supervisors of the city that is vested with both*  
16 *redevelopment authority and the power to administer the public*  
17 *trust for commerce, navigation, and fisheries with respect to*  
18 *Treasure Island.*

19 ~~(a)~~

20 (b) *“City” means the City and County of San Francisco.*

21 ~~(b)~~

22 (c) *“Treasure Island” means Treasure Island and Yerba Buena*  
23 *Island.*

24 ~~(e)~~

25 (d) *“Transportation management agency” means the Treasure*  
26 *Island Transportation Management Agency designated by the*  
27 *board of supervisors of the city pursuant to Section 1967.3.*

28 (e) *“Transportation program” means a comprehensive*  
29 *transportation program for Treasure Island designed to achieve*  
30 *the goals set forth in Section 1967.1.*

31 1967.3. *The authority is formulating a transportation program*  
32 *in connection with the authority’s redevelopment activities on*  
33 *Treasure Island. The transportation program will include the*  
34 *authority’s recommendations for the governance structure of the*  
35 *transportation management agency. Based on the authority’s*  
36 *recommendations, the board of supervisors of the city is hereby*  
37 *authorized to designate a city board or agency that shall act as the*  
38 *transportation management agency. The board of supervisors of*  
39 *the city may designate itself as the transportation management*  
40 *agency. Notwithstanding Chapter 898 of the Statutes of 1997 or,*

1 any subsequent amendments to that chapter, *or any other provision*  
2 *of law*, the transportation management agency shall have the  
3 complete power to do any or all of the following pursuant to the  
4 terms of a resolution adopted by the board of supervisors:

5 ~~(a) Establish, impose, and administer automobile congestion~~  
6 ~~pricing fees on Treasure Island and to set those fees in the manner~~  
7 ~~deemed necessary and proper by the transportation management~~  
8 ~~agency to implement the goals set forth in Section 1967.2.~~

9 ~~(b) Establish, impose, and administer on-street and off-street~~  
10 ~~parking fees on Treasure Island and to set those fees in the manner~~  
11 ~~deemed necessary and proper by the transportation management~~  
12 ~~agency to implement the goals set forth in Section 1967.2.~~

13 *(a) Adopt and administer the transportation program and*  
14 *implementing rules and regulations.*

15 *(b) Establish, impose, and administer automobile congestion*  
16 *pricing fees on Treasure Island and set those fees in the manner*  
17 *deemed necessary and proper by the transportation management*  
18 *agency to implement the transportation program.*

19 *(c) Establish, impose, and administer on-street and off-street*  
20 *parking fees on Treasure Island and set those fees in the manner*  
21 *deemed necessary and proper by the transportation management*  
22 *agency to implement the transportation program.*

23 ~~(e)~~  
24 *(d) Establish, impose, and administer a transit pass fee structure*  
25 *applicable to for-sale housing or rental housing on Treasure Island*  
26 *and on other users of Treasure Island and to set those fees in the*  
27 *manner deemed necessary and proper by the transportation*  
28 *management agency to implement the goals set forth in Section*  
29 *1967.2 transportation program.*

30 ~~(d)~~  
31 *(e) Undertake studies, performance evaluations, and other*  
32 *mechanisms as it deems necessary and proper to set and amend*  
33 *the transportation program and congestion pricing, parking, and*  
34 *transit pass fees from time to time.*

35 ~~(e)~~  
36 *(f) Collect all revenues generated from the congestion pricing*  
37 *and parking programs implementation of the transportation*  
38 *program, including congestion pricing, parking, and transit pass*  
39 *fees, and to use all those revenues for the direct expenses related*  
40 *to the costs of operation (including collection and enforcement),*

1 maintenance, construction, and administration of the program  
2 authorized by this chapter on Treasure Island under the  
3 transportation program.

4 ~~(f) Adopt an expenditure plan at regular intervals for the~~  
5 ~~allocation of all net revenues generated by the program that remain~~  
6 ~~after payment of direct expenses pursuant to subdivision (e) for~~  
7 ~~transportation purposes on Treasure Island, and to take all actions~~  
8 ~~in furtherance of the expenditure plan, which may include entering~~  
9 ~~into contracts, cooperative agreements, and direct funding for all~~

10 ~~(g) Enter into contracts, cooperative agreements, and direct~~  
11 ~~funding agreements with governmental agencies and private parties~~  
12 ~~to the extent deemed necessary and proper by the transportation~~  
13 ~~management agency to implement the transportation program,~~  
14 ~~including for any of the following:~~

15 (1) The construction and maintenance of transportation facilities,  
16 including the design, preconstruction, and other related costs  
17 directly related to Treasure Island.

18 (2) Transit capital and operational costs for services that directly  
19 serve Treasure Island.

20 ~~(3) Transit Implementation of traffic Implementation of traffic~~  
21 ~~impact mitigation measures as adopted from time to time to~~  
22 ~~improve transit and other nonautomobile means of access to~~  
23 ~~Treasure Island.~~

24 ~~(g) Enter into contracts and cooperative agreements with~~  
25 ~~regional or state agencies to the extent deemed necessary and~~  
26 ~~proper by the transportation management agency to implement the~~  
27 ~~goals set forth in Section 1967.2.~~

28 (h) Take all other steps as the transportation management agency  
29 deems necessary and proper to accomplish the goals set forth in  
30 Section 1967.2, pursuant to the authorizing resolution of the board  
31 of supervisors adopted pursuant to Section 1967.3. implement the  
32 transportation program.

33 1967.4. The transportation program shall ensure that public  
34 access to waterfront, recreational, and open-space areas on  
35 Treasure Island is sufficient to support public trust activities by  
36 ensuring all of the following:

37 (a) Public access to areas subject to the public trust is facilitated  
38 in part by program elements, such as (1) an on-island shuttle, (2)  
39 safe bicycle parking, and (3) limitations on long-term parking on  
40 streets that are subject to the public trust following a land exchange

1 *authorized by Chapter 543 of the Statutes of 2004, as amended*  
2 *(hereafter public trust streets), which will discourage residential*  
3 *use of public trust streets for parking but allow appropriate time*  
4 *for recreational and visitor activities.*

5 *(b) Program elements shall not interfere with the provisions of*  
6 *public pedestrian, bicycle, or vehicular access to and along the*  
7 *waterfront and to other public trust lands, or the provision of*  
8 *parking to support those uses.*

9 *(c) There shall be no preference for residents in parking rates,*  
10 *parking passes, or the duration of parking on public trust streets.*

11 *(d) Parking revenues from public trust streets or other public*  
12 *lands shall be used for transportation facilities and services*  
13 *benefiting the public trust in accordance with the transportation*  
14 *program, with any surplus revenues to be used for other*  
15 *trust-related purposes.*

16 ~~1967.4.~~

17 ~~1967.5.~~ Section 9400.8 of the Vehicle Code shall not apply to  
18 any fee imposed by this chapter.

19 ~~1967.5.~~

20 ~~1967.6.~~ The city may bring an action pursuant to Sections 860  
21 to 870, inclusive, of the Code of Civil Procedure to confirm the  
22 validity of any resolution adopted by the board of supervisors of  
23 the city or the transportation management agency.

24 *SEC. 2. The Legislature finds and declares that the adoption*  
25 *and implementation of the transportation program under this act,*  
26 *including the use of the congestion pricing, parking, and transit*  
27 *pass fees in accordance with this act, will provide substantial*  
28 *benefit to the public trust for commerce, navigation, and fisheries*  
29 *by promoting access to Treasure Island by a wide range of local,*  
30 *regional, and statewide visitors, and is a matter of statewide*  
31 *concern. Therefore, no ordinance, charter provision, or other*  
32 *provision of local law inconsistent with this act applies to the*  
33 *transportation program under this act.*

34 ~~SEC. 2.~~

35 *SEC. 3.* The Legislature finds and declares that because of the  
36 unique circumstances applicable to Treasure Island that necessitate  
37 an innovative, sustainable transportation plan, a statute of general  
38 applicability cannot be enacted within the meaning of subdivision

- 1 (b) of Section 16 of Article IV of the California Constitution, and
- 2 the enactment of a special statute is therefore necessary.

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